

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PUBLIC SERVICES – Prohibition & Excise Department – Allegation of acquisition of assets disproportionate to the known sources of legal income against Sri C. Venkata Reddy, formerly Proh. & Excise Superintendent Distilleries, East Godavari District (Retired on 31.07.2000) – Charge Sheet Filed – Acquitted by the Hon'ble Additional Special Judge for SPE & ACB Cases, Hyderabad in CC No.12/2004 – Retirement benefits released – Orders – Issued.

REVENUE (VIG.V) DEPARTMENT

G.o. (Rt.) No. 1427.

Dt.01.12.2011.

Read the following:-

- 1) D.G., ACB Lr. No.99/RCA-HND/95, dt.09.07.2003.
- 2) Hon'ble First Addl. Special Judge for SPE & ACB Cases, Hyderabad judgement, dt.09.09.2011.
- 3) D.G., ACB Lr. No.99/RCA-HND/95, dt.04.11.2011.
- 4) Hon'ble High Court judgment dt.28.01.2010 in WP Nos.27607, 27614 and 22929 of 2009.

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ORDER:

In the reference 1st read above, the Director General of Anti Corruption Bureau has submitted his final report on the allegation that Sri C. Venkata Reddy, formerly Proh. & Excise Superintendent Distilleries, East Godavari District (Retired on 31.07.2000) has acquired assets disproportionate to the known sources of his legal income to a tune of Rs.51,58,794/- and accordingly the ACB Authorities have filed charge sheet in the Hon'ble Court of Addl. Special Judge for SPE & ACB Cases, Hyderabad on 24.05.2004, as the Accused Officer was retired from service on 31.07.2000 on attaining the age of superannuation.

2) In the reference 2nd read above, the Hon'ble Addl. Special Judge for SPE & ACB Cases, Hyderabad has acquitted Sri C. Venkata Reddy, Proh. & Excise Superintendent (Retired) found that the Accused Officer is not guilty for the offence punishable under section 13 (2) read with Section 13(1) (e) of the P.C. Act, 1988.

3) In the reference 4th read above, the Hon'ble High Court of Andhra Pradesh held that "in so far as the criminal cases are concerned, the Department has got a right to file an appeal. But, it cannot be said that the judicial proceedings have not been concluded. Once the criminal court acquits the accused, it must amount to be the conclusion of the judicial proceedings in the first instance. Therefore, the appeals filed against the acquittal orders cannot be treated as continuation of criminal proceedings. It was also held that if the appeal is not in continuation of original criminal proceedings, the order of acquittal is a final order within the ambit of Rule 52 of the Pension Rules, referred to above. After the orders of acquittal passed by the criminal court, there is no power for the Government to withhold pension or retirement benefits. The said benefits, therefore, are liable to be paid immediately after acquittal order. When once the Government employee is acquitted of the criminal charge, merely because the State preferred an appeal, the Government cannot withhold retirement benefits of the Government employees, on account of pendency of the appeals against acquittal".

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4) After careful examination of the matter in detail and keeping in view of the above judicial pronouncement of the Hon'ble High Court of Andhra Pradesh, Government have decided to release the pensionary benefits to Sri C. Venkata Reddy, Proh. & Excise Superintendent (Retired) which he is entitled to, as he was found not guilty for the offence punishable under Section 13(2) read with 13(1) (e) of the P.C. Act, 1998 by the Hon'ble Addl. Special Judge for SPE & ACB Cases, Hyderabad, without prejudice to filing of Criminal Appeal before the Hon'ble High Court.

5) The Commissioner of Prohibition & Excise shall take necessary action in the matter and release all pensionary benefits, which he is entitled to.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ASUTOSH MISHRA
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri C. Venkata Reddy, Proh. & Excise Superintendent (Retired)
through the Commissioner of Prohibition & Excise, A.P., Hyderabad.
The Commissioner of Prohibition & Excise, A.P., Hyderabad.
The Director General, Anti Corruption Bureau, A.P., Hyderabad.
Copy to:-
The Secretary, A.P. Vigilance Commission, Secretariat, Hyderabad.
The Revenue (Excise-I) Department.
The District Treasury Officer, East Godavari District at Kakinada.
The Director of Treasuries & Accounts, A.P., Hyderabad.
The Accountant General, A.P., Hyderabad.
File/SF/SCs.

// FORWARDED :: BY ORDER //

SECTION OFFICER